IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 8TH FEBRUARY 2007 / 19TH MAGHA 1928

WP(C).No. 660 of 2007(C)

PETITIONER:

CHANDRASEKHARAN, S/O.NARAYANAN NAIR,
LIBRARY ASSISTANT, SREEKRISHNA COLLEGE, GURUVAYOOR

BY ADV. SRI.RENJITH THAMPAN
SMT.P.A.ANITHA

RESPONDENTS:
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1. THE GURUVAYOOR DEVASWOM BOARD,
REPRESENTED BY ITS ADMINISTRATOR.

2. CORRESPONDENT,
SREEKRISHNA COLLEGE AND ADMINISTRATOR,
GURUVAYOOR DEVASWOM BOARD, GURUVAYOOR.

3. ENQUIRY OFFICER,
SREEKRISHNA COLLEGE, GURUVAYOOR.

BY ADV. SRI.P.NANDAKUMAR
GOVT. PLEADER SRI.T.T.MUHAMOOD
ADV.SRI.RAMESH CHANDER FOR GDB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT.P1	**TRUE COPY OF SHOW CAUSE MEMO DATED 3-2-06 ISSUED TO THE PETITIONER.**
EXT.P2	**TRUE COPY OF THE REPLY FILED BY THE PETITIONER TO THE SHOW CAUSE NOTICE DTD. 8-2-06**
EXT.P3	**TRUE COPY OF COMMUNICATION DATED 1-4-06 ISSUED BY ADMINISTRATOR**
EXT.P4	**TRUE COPY OF LETTER DATED 13-12-06 ISSUED TO ADMINISTRATOR GURUVAYOOR DEVASWOM**
EXT.P5	**TRUE COPY OF THE REQUEST FILED BY THE PETITIONER TO SRI.P.NANDAKUMAR DATED 16-12-06**
EXT.P6	**TRUE COPY OF THE PROCEEDINGS DATED 16-12-06 OF THE ENQUIRY OFFICER.**

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

W.P.(C).No.660 OF 2007

Dated this the 8th day of February, 2007

JUDGMENT

Case of the petitioner in brief is as follows:

Petitioner is a non-teaching staff in the Sree Krishna College, Guruvayoor run by Guruvayoor Devaswom Board and affiliated to Calicut University. Disciplinary proceedings were initiated against the petitioner.

2. Petitioner approached this court feeling aggrieved by the decision of the enquiry officer refusing the petitioner to be represented by a lawyer. Petitioner contends that it is a matter squarely covered by Rule 71 (6) of Chapter IV read with Rule 60 of Chapter III of Calicut University First Statute. Rule 71(6) of Chapter IV reads as follows:

> "The disciplinary authority, if it is not the inquiring authority, may nominate any person to present the case in support of the charges

> before the inquiring authority. The teacher may engage a legal practitioner to defend his case, if he so desires."

Apart from that Rule 60 of Chapter III provides as follows:

> "Disciplinary Proceedings" The provision in Chapter 4 on disciplinary action against teachers of private colleges, shall mutatis mutandis apply to non teaching staff."

3. Learned counsel for the petitioner would contend that petitioner is entitled by virtue of the aforesaid provision to be represented by counsel.

4. In such circumstances, Ext.P6 is quashed in so far as it relates to the rejection of the right of the petitioner to be represented by a lawyer. It is made clear that petitioner is entitled to be represented by a legal practitioner. Petitioner challenges Ext.P3 also. Ext.P3 is the initiation of disciplinary proceedings. I leave open the contention in the said regard.

Writ petition is disposed of as above.

K.M.JOSEPH
JUDGE

sv.